



Reprinted
March 4, 2014

ENGROSSED HOUSE BILL No. 1301

DIGEST OF HB 1301 (Updated March 3, 2014 5:34 pm - DI 87)

Citations Affected: IC 4-13.6; IC 10-19; IC 20-19; IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31; IC 36-1; noncode.

Synopsis: Fire and building safety issues. Repeals the statute requiring the division of fire and building safety (division) to employ a state building law compliance officer. Creates the office of state building commissioner, who is appointed by the governor to serve: (1) at the pleasure of the governor; and (2) full time. Provides that the state building commissioner has the duties and responsibilities of the state building law compliance officer. Requires the state building commissioner to issue a written interpretation of a building law or fire safety law not later than 10 business days after the date of receiving a request. Provides that a design release may be issued without a plan review if: (1) the application for a design release is complete; and (2)
(Continued next page)

Effective: Upon passage; July 1, 2014.

**VanNatter, Messmer, Moed,
GiaQuinta**

(SENATE SPONSORS — YODER, ARNOLD J)

January 15, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 21, 2014, amended, reported — Do Pass.

January 23, 2014, read second time, ordered engrossed. Engrossed.

January 27, 2014, read third time, passed. Yeas 79, nays 15.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.

February 25, 2014, amended, reported favorably — Do Pass.

March 3, 2014, read second time, amended, ordered engrossed.

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the application for a design release is not selected for a plan review by the division. Establishes deadlines for the division to conduct plan reviews and provide notices. Provides that, with certain exceptions, if the division fails to provide notice or complete plan review within the time required by statute, a design release must be issued without further review. Provides that if a plan review reveals one or more state building or fire code violations determined by the division to pose a substantial threat to the public health, safety, or welfare: (1) the division is required to notify: (A) the preparer of the plans; (B) the licensing agency of the preparer for possible disciplinary sanctions; and (C) the project owner or general contractor; and (2) the time limitations for plan review do not apply. Requires the division to maintain a single electronic file

regarding each project for which a design release application is filed. Requires the fire prevention and building safety to established objective criteria for certifying the competency of a city, town, or county (unit) to perform plan reviews. Provides that a townhouse is a Class 2 structure (instead of a Class 1 structure) for purposes of the state fire, building, and equipment laws. Provides that a plan review may be limited to the corrections required by the division. Allows for an administrative hearing to be conducted to determine if action is appropriate when the results of a plan review reveal that an engineer or architect knowingly or recklessly submitted plans or specifications that are determined to pose a wanton and willful disregard for the public health, safety, or welfare. Prohibits a political subdivision from adopting an ordinance or other requirement after February 28, 2013, that would require a builder or remodeler to be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler constructing or remodeling a residential dwelling. Provides that a political subdivision is not prohibited from licensing, permitting, or registering specific trades or issuing permits and approvals that regulate the use, planning, and development of property. Establishes deadlines for local units to conduct local plan reviews and provide notices. Repeals a noncode provision that prohibits the regulation of builders and remodelers by political subdivisions. (This provision is currently set to expire July 1, 2015.)



Reprinted
March 4, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1301

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-13.6-3-3, AS AMENDED BY P.L.160-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 3. (a) There is established a certification board.
4 The following persons shall serve on the certification board:
5 (1) The director of engineering of the department of natural
6 resources.
7 (2) The director.
8 (3) The ~~state building law compliance officer~~ **commissioner** of
9 the department of homeland security.
10 (b) The board shall administer IC 4-13.6-4.
11 SECTION 2. IC 10-19-7-3, AS AMENDED BY P.L.1-2006,
12 SECTION 180, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The state fire marshal
14 appointed under IC 22-14-2-2 shall do the following:

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- (1) Serve as a deputy executive director to manage the division.
- (2) Administer the division.
- (3) Provide staff to support the fire prevention and building safety commission established by IC 22-12-2-1.

(b) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:

- (1) The fire prevention and building safety commission.
- (2) The ~~building law compliance officer~~; **state building commissioner**.

(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff.

SECTION 3. IC 10-19-7-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4: (a) The division shall employ a building law compliance officer.~~

~~(b) An individual must be a design professional with not less than ten (10) years of experience in the building trades industry to be the building law compliance officer.~~

~~(c) The building law compliance officer shall administer the building safety laws (as defined in IC 22-12-1-3).~~

SECTION 4. IC 20-19-2-12, AS AMENDED BY P.L.146-2008, SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The state board shall, in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. The nonbinding guidelines must include:

- (1) preferred location and building practices for school corporations, including standards for enhancing health, student safety, accessibility, energy efficiency, operating efficiency, and instructional efficacy;
- (2) guidelines concerning minimum acreage, cost per square foot or cost per ADM (as defined in IC 20-18-2-2), technology infrastructure, building materials, per student square footage, and other general space requirements, including space for academics, administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and
- (3) additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.

The ~~building law compliance officer appointed under IC 10-19-7-4~~; **state building commissioner**, the office of management and budget,



1 and the department of local government finance shall, upon request of
 2 the board, provide technical assistance as necessary for the
 3 development of the guidelines.

4 (b) The state board shall annually compile, in a document capable
 5 of easy revision, the:

6 (1) guidelines described in subsection (a); and

7 (2) rules of the:

8 (A) fire prevention and building safety commission; and

9 (B) state department of health;

10 that govern site selection and the construction, alteration, and repair of
 11 school buildings.

12 (c) A school corporation shall consider the guidelines adopted under
 13 subsection (a) when developing plans and specifications for a facility
 14 described in subsection (a). Before submitting completed written plans
 15 and specifications for the selection of a school building site or the
 16 construction or alteration of a school building to the division of fire and
 17 building safety for issuance of a design release under IC 22-15-3, a
 18 school corporation shall do the following:

19 (1) Submit the proposed plans and specifications to the
 20 department. Within thirty (30) days after the department receives
 21 the plans and specifications, the department shall:

22 (A) review the plans and specifications to determine whether
 23 they comply with the guidelines adopted under subsection (a);
 24 and

25 (B) provide written recommendations concerning the plans
 26 and specifications to the school corporation, which must
 27 include findings as to any material differences between the
 28 plans and specifications and the guidelines adopted under
 29 subsection (a).

30 (2) After the earlier of:

31 (A) receipt of the recommendations provided under
 32 subdivision (1)(B); or

33 (B) the date that is thirty (30) days after the date the
 34 department received the plans and specifications under
 35 subdivision (1)(A);

36 issue a public document that describes the recommendations, if
 37 any, and any material differences between the plans and
 38 specifications prepared by the school corporation and the
 39 guidelines adopted under subsection (a), as determined under the
 40 guidelines adopted by the state board.

41 (3) After publishing a notice of the public hearing under IC 5-3-1,
 42 conduct a public hearing to receive public comment concerning



the school corporation's plans and specifications.
 After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision (2) to identify any changes in the plans and specifications after the public document's initial preparation.

SECTION 5. IC 22-12-1-5, AS AMENDED BY P.L.72-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) "Class 2 structure" means any part of the following:

(1) A **townhouse** or a building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, including an above ground swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(b) Subsection (a) does not include a vehicular bridge.

(c) For purposes of subsection (a)(1), "townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit:

(1) extends from foundation to roof;

(2) is not more than three (3) stories in height;

(3) is separated from each adjoining unit by:

(A) two (2) one (1) hour fire-resistance rated walls with exposure from both sides; or

(B) a common two (2) hour fire-resistance rated wall; and

(4) has open space on at least two (2) sides.

SECTION 6. IC 22-12-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

(1) Fireworks display permits issued under IC 22-11-14-2.

(2) Explosives magazine permits issued under IC 35-47.5-4.

(3) Design releases issued under IC 22-15-3 **and IC 22-15-3.2.**

(4) Certification of industrialized building systems and mobile structures under IC 22-15-4.

(5) Inspection of regulated amusement devices under IC 22-15-7.

(6) Application fees for variance requests under IC 22-13-2-11



and inspection fees for exemptions under IC 22-13-4-5.

(7) Permitting and inspection of regulated lifting devices under IC 22-15-5.

(8) Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.

(9) Licensing of:

(A) boiler and pressure vessel inspectors under IC 22-15-6-5; and

(B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.

(10) Licensing of elevator contractors, elevator inspectors, and elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter.

SECTION 7. IC 22-13-2-8.5, AS AMENDED BY P.L.142-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for outdoor event equipment at outdoor performances to protect the safety of persons at the outdoor performances. The commission may:

(1) exempt small assemblies of outdoor event equipment, as defined by the commission, from some or all fees or other requirements that otherwise would apply to outdoor event equipment under a rule adopted under this section or another building law; or

(2) establish alternative procedures, fees, or other requirements, or any combination, for small assemblies of outdoor event equipment, as defined by the commission.



(b) The commission may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection (a), including temporary rules concerning a schedule of fees for design releases or inspections, or both. A temporary rule adopted under this subsection expires on the earliest of the following:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule adopted under this subsection or a rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.
- (3) January 1, 2016.

(c) Subject to this section, a city, town, or county that regulated outdoor event equipment before March 15, 2012, under an ordinance adopted before March 15, 2012, may, if the ordinance is in effect on March 15, 2012, continue to regulate outdoor event equipment under the ordinance after March 14, 2012, in the same manner that the city, town, or county applied the ordinance before March 15, 2012. However, a statewide code of fire safety laws or building laws governing outdoor event equipment that is adopted by the commission under this section after March 14, 2012, takes precedence over any part of a city, town, or county ordinance that is in conflict with the commission's adopted code. The ordinances to which this section applies include Chapter 536 of the Revised Code of the Consolidated City and County Indianapolis/Marion, Indiana Codified through Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A city, town, or county to which this subsection applies need not be certified or approved under IC 22-15-3-1 or another law to continue to regulate outdoor event equipment after March 14, 2012.

(d) This subsection applies to cities, towns, and counties described in subsection (c) and any other city, town, or county that, after March 14, 2012, adopts an ordinance governing outdoor event equipment that is approved by the commission or ~~a the state building law compliance officer.~~ **commissioner.** The city, town, or county shall require compliance with:

- (1) the rules adopted under this section;
 - (2) orders issued under IC 22-13-2-11 that grant a variance to the rules adopted under this section;
 - (3) orders issued under IC 22-12-7 that apply the rules adopted under this section; and
 - (4) a written interpretation of the rules adopted under this section binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;
- on both private and public property located within the boundaries of



the city, town, or county, including, in the case of a consolidated city, the state fairgrounds. This subsection does not limit the authority of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building laws and orders and written interpretations related to building laws.

SECTION 8. IC 22-13-5-2, AS AMENDED BY P.L.22-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Upon the written request of an interested person, the ~~state building law compliance officer in the department of homeland security may~~ **commissioner of the division of fire and building safety shall** issue a written interpretation of a building law or a fire safety law **not later than ten (10) business days after the date of receiving a request.** An interpretation issued by the ~~state building law compliance officer in the department of homeland security~~ **commissioner** must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The ~~state building law compliance officer in the department of homeland security may~~ **commissioner shall** issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

SECTION 9. IC 22-13-5-4, AS AMENDED BY P.L.22-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A written interpretation of a building law or fire safety law binds all counties and municipalities if the ~~state building law compliance officer in the department of homeland security~~ **commissioner** publishes the written interpretation of the building law or fire safety law in the Indiana Register under IC 4-22-7-7(b). For purposes of IC 4-22-7-7, a written interpretation of a building law or fire safety law published by the ~~state building law compliance officer in the department of homeland security~~ **commissioner** is considered adopted by an agency.

(b) A written interpretation of a building law or fire safety law published under subsection (a) binds all counties and municipalities until the earlier of the following:

- (1) The general assembly enacts a statute that substantively changes the building law or fire safety law interpreted or voids the written interpretation.
- (2) The commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law or fire safety law.
- (3) The written interpretation is found to be an erroneous interpretation of the building law or fire safety law in a judicial proceeding.



(4) The ~~state building law compliance officer in the department of homeland security~~ **commissioner** publishes a different written interpretation of the building law or fire safety law.

(c) The department or the state building commissioner may create an electronic data base for the purpose of cataloging all available variance rulings by the commission for the purpose of making the information available to the public on the Internet web site of the department or the state building commissioner.

SECTION 10. IC 22-15-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) The governor shall appoint a state building commissioner. The state building commissioner shall serve:**

(1) at the pleasure of the governor; and

(2) as a full-time employee of the office.

(b) The state building commissioner must be a registered or licensed design professional under IC 25-4 or IC 25-31, as appropriate, with at least ten (10) years of experience in the building trades industry.

SECTION 11. IC 22-15-2-6, AS AMENDED BY P.L.1-2006, SECTION 384, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) To carry out the division's responsibilities, the division or an employee or another agent of the division may:**

(1) exercise any program of supervision that is approved by the commission, if the responsibility involves the administration or enforcement of a building law;

(2) enter and inspect any property, at a reasonable hour;

(3) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13; and

(4) cooperate with law enforcement officers and political subdivisions that have jurisdiction over a matter.

(b) To carry out the ~~state building law compliance officer's~~ ~~commissioner's~~ responsibilities, the ~~state building law compliance officer~~ ~~commissioner~~ **may shall issue a written interpretation of any building law under IC 22-13-5.**

SECTION 12. IC 22-15-3-1, AS AMENDED BY P.L.22-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1. (a) The ~~state building law compliance officer~~ ~~employed under IC 10-19-7-4~~ **commissioner** shall issue a design release for:**

(1) the construction of a Class 1 structure to an applicant who



qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) The ~~state building law compliance officer~~ **commissioner** may issue a design release based on a plan review performed by a city, town, or county if:

(1) the ~~state building law compliance officer~~ **commissioner** has certified that the city, town, or county is competent; and

(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

~~(e) For the purposes of subsection (c)(1), competency must be established by a test approved by the commission and administered by the division of education and information.~~

~~(d)~~ (c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).

SECTION 13. IC 22-15-3-6, AS AMENDED BY P.L.1-2006, SECTION 388, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** Pending the completion of the review of an application, the division may issue:

(1) a design release for part of the construction proposed in an application, if that part of the construction qualifies for release under this chapter; or

(2) a provisional release for any part of the construction proposed in an application, under the conditions specified by the division.

(b) Issuance of a design release or provisional release under this section for any part of construction proposed in an application does not toll or affect the time limitations for completing the review of the application or providing notice under IC 22-15-3.2.

SECTION 14. IC 22-15-3.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.2. Design Releases

Sec. 1. As used in this chapter, "applicant" means a person who applies for a design release under IC 22-15-3.

Sec. 2. As used in this chapter, "application" means an application for a design release and any supporting plans and specifications.

Sec. 3. As used in this chapter, "design professional" means:

(1) an architect registered under IC 25-4-1; or



(2) a professional engineer registered under IC 25-31.

Sec. 4. As used in this chapter, "division" means the division of fire and building safety.

Sec. 5. Any notice required under this chapter may be provided:

(1) by mail; or

(2) by electronic mail, if the applicant provides an electronic mail address.

Sec. 6. An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

Sec. 7. (a) A design release shall be issued to an applicant without a plan review if:

(1) the applicant submits a complete application; and

(2) the division does not select the application for a plan review under this section.

(b) The division may select any application for design release to be subject to a plan review. The division has complete discretion in the criteria used by the division to select a design release application for a plan review. A criterion used by the division may be whether the design professional has received disciplinary sanctions under IC 25-1-11-12 within the preceding five (5) years.

Sec. 8. Upon receiving a complete application for a design release, the division shall do one (1) of the following:

(1) Not later than ten (10) business days after the application is received, send written notice to the applicant that a design release will be issued. Not later than the next business day after the date the notice is sent, the division shall provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) business days after the application is received, send written notice that a plan review will be conducted. However, if the applicant does not receive the notice within the period specified in this subdivision, the division shall, not later than the eleventh day after the date a complete application is received, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

Sec. 9. If the division sends an applicant notice of a plan review



under section 8(2) of this chapter within the period required, the division shall do one (1) of the following:

(1) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that the plans and specifications have been approved for a design release as submitted. The division shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that a design release will not be issued until the applicant submits corrections to the plans. However, if the applicant does not receive notice within the period specified in this subdivision, the division shall, not later than the twenty-first business day after the date that notice of a plan review is sent under section 10 of this chapter, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

Sec. 10. (a) If the division receives corrections to a plan in response to a notice sent under section 9(2) of this chapter, and any time the division receives corrections to a notice under subdivision (2) thereafter, the division shall do one (1) of the following:

(1) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that the corrected plans have been approved for a design release as submitted. The division shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that a design release will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the



notice within the period specified in this subdivision, the division shall, not later than the eleventh business day after the date that the corrections are received by the division, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(b) A review under this section is limited to the corrections required by the division pursuant to notice sent under section 9(2) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the division, including previously completed corrections that the division has already accepted, are deemed approved for a design release and may not be included in subsequent notice requests sent under this section. Except for a project reviewed under IC 22-15-3-6 and subject to the deadlines set forth in this chapter, the division may delay issuing a design release until all corrections to a project have been accepted by the division.

Sec. 11. (a) This section applies if the results of a plan review reveal that a design professional knowingly or recklessly submitted plans or specifications containing one (1) or more violations of the rules of the commission that are determined by the division and the commission to pose a wanton and willful disregard for the public health, safety, or welfare.

(b) The provisions regarding the time limitations for review and notice under this chapter do not apply, and the division is not required to issue a design release and confirmation number for providing notice. The division shall send written notice of its determination to:

(1) the design professional's licensing or registration authority under IC 25-4-1 or IC 25-31, as appropriate, for the purpose of conducting a hearing under IC 4-21.5 to determine if action under IC 4-21.5-3-8 is appropriate;

(2) the design professional; and

(3) the project owner or general contractor on whose behalf the application was submitted.

(c) An applicant that receives notice under subsection (b) may withdraw the application and submit a new application and plans to the division that are prepared by a different design professional. Withdrawal of an application does not affect any disciplinary action against the professional of record that prepared the plans



described in subsection (a).

Sec. 12. (a) The division shall maintain the following information for every application:

- (1) The type of project that is the subject of the application.
- (2) The name and profession of the design professional.
- (3) The location of the project.
- (4) The date the application was submitted to the division.
- (5) Whether the application was selected for plan review.
- (6) If the application was selected for a review:
 - (A) whether the division requested corrections to the plans and specifications;
 - (B) the dates that corrections were requested by the division; and
 - (C) the dates that the applicant responded to the requests under clause (B).
- (7) Whether a design release was issued by the division. The date a design release was issued (if any) or other final action was taken.
- (8) Any other significant plan review activity related to an application.

(b) The division shall maintain the information described in subsection (a) in a single electronic file in a format that permits easy comparison of the information for each applicant. The division shall update the information at least quarterly.

Sec. 13. The division may contract with a person or an entity to perform the division's plan review responsibilities under this chapter.

SECTION 15. IC 22-15-3.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.3. Local Plan Review by Units

Sec. 1. As used in this chapter, "applicant" means a person who submits an application for a local plan review.

Sec. 2. As used in this chapter, "application" means an application for a local plan review and any supporting plans and specifications.

Sec. 3. As used in this chapter, "construction activity" refers to any physical improvements to real property undertaken for the purpose of constructing a Class 1 structure that is subject to a local plan review.

Sec. 4. As used in this chapter, "unit" means a county, city, or town.



1 **Sec. 5. Nothing in this chapter may be interpreted as allowing**
 2 **a local plan review to supersede or otherwise impact any laws or**
 3 **rules concerning a plan review conducted by the state of Indiana.**

4 **Sec. 6. Any notice required under this chapter may be provided:**

5 (1) by mail; or

6 (2) by electronic mail, if the applicant provides an electronic
 7 mail address.

8 **Sec. 7. (a) Upon receiving a complete application for a local plan**
 9 **review, the unit shall do one (1) of the following not later than**
 10 **twenty (20) business days after the application is received:**

11 (1) Send written notice to the applicant that the unit does not
 12 require any corrections to the application and remove any
 13 related prohibition to construction activity that is conditioned
 14 on a local plan review.

15 (2) Send written notice to the applicant that corrections are
 16 required to the application.

17 **(b) If the unit receives corrections to an application in response**
 18 **to a notice sent under subsection (a)(2), the unit shall do one (1) of**
 19 **the following not later than ten (10) business days after the**
 20 **corrections are received:**

21 (1) Send written notice to the applicant that all requested
 22 corrections have been successfully addressed and remove any
 23 related prohibition to construction activity that is conditioned
 24 on a local plan review.

25 (2) Send written notice to the applicant that the unit has not
 26 accepted one (1) or more of the corrections included in the
 27 notice provided under subsection (a)(2) and that corrections
 28 are required to the application.

29 **(c) If the unit receives corrections in response to a notice sent**
 30 **under subsection (b)(2), and any time the unit receives corrections**
 31 **in response to a notice under subdivision (2) thereafter, the unit**
 32 **shall do one (1) of the following not later than ten (10) business**
 33 **days after the corrections are received:**

34 (1) Send written notice to the applicant that all requested
 35 corrections have been successfully addressed and remove any
 36 related prohibition to construction activity that is conditioned
 37 on a local plan review.

38 (2) Send written notice to the applicant that one (1) or more
 39 of the corrections included in the notice sent under subsection
 40 (b)(2) have not been accepted and that further corrections are
 41 required to the application.

42 **Sec. 8. A unit may not prohibit construction activity if the unit**



1 fails to provide any notice required under this chapter.

2 **Sec. 9. A local plan review under section 7(c)(2) of this chapter**
 3 **is limited to the corrections required by the unit pursuant to notice**
 4 **sent under section 7(a)(2) of this chapter or any subsequent notices**
 5 **sent under section 7(b)(2) or 7(c)(2) of this chapter. All other parts**
 6 **of a project not directly related to corrections included in a notice**
 7 **sent under these sections, including previously completed**
 8 **corrections that the unit has already accepted, are deemed**
 9 **accepted and may not be included in subsequent notice requests**
 10 **sent under this section.**

11 SECTION 16. IC 22-15-6-4, AS AMENDED BY P.L.1-2006,
 12 SECTION 398, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) As used in this chapter,
 14 "inspection agency" means:

15 (1) an insurance company inspection agency; or

16 (2) an owner or user inspection agency;

17 licensed under section 6 of this chapter.

18 (b) A boiler and pressure vessel inspector licensed under section 5
 19 of this chapter and employed by an inspection agency may perform any
 20 of the following:

21 (1) An inspection required by ~~section 3~~ **section 2** of this chapter.

22 (2) The issuance of a permit under ~~section 3~~ **section 2** of this
 23 chapter.

24 (3) The issuance of an appropriate order under IC 22-12-7 when
 25 an equipment law has been violated.

26 (c) The authority of an inspector acting under this chapter is limited
 27 to enforcement related to regulated boilers or pressure vessels insured,
 28 owned, or operated by the inspection agency employing the inspector.

29 (d) Unless an annual report is substituted under subsection (e), an
 30 inspection agency shall, within thirty (30) days after the completion of
 31 an inspection, submit to the ~~division~~ **office** the report required by the
 32 rules board. In addition to any other information required by the rules
 33 board, the inspector conducting the inspection shall cite on the report
 34 any violation of the equipment law applicable to the regulated boiler or
 35 pressure vessel.

36 (e) In the case of boilers or pressure vessels inspected by an owner
 37 or user inspection agency, an annual report filed on or before the
 38 annual date as the rules board may prescribe for each report may be
 39 substituted. An annual report of an owner or user inspection agency
 40 must list, by number and abbreviated description necessary for
 41 identification, each boiler and pressure vessel inspected during the
 42 covered period, the date of the last inspection of each unit, and for each



1 pressure vessel the approximate date for its next inspection under the
 2 rules of the rules board. Each annual report of an owner or user
 3 inspection must also contain the certificate of a professional engineer
 4 registered under IC 25-31 and having supervision over the inspections
 5 reported, swearing or affirming under penalty of perjury that each
 6 inspection was conducted in conformity with the equipment laws.

7 (f) An owner or user inspection agency shall pay the fee set under
 8 IC 22-12-6 with a report under subsection (e).

9 (g) In addition to the reports required by subsections (d) and (e), an
 10 owner, a user, or an inspection agency shall immediately notify the
 11 division when an incident occurs to render a boiler or pressure vessel
 12 inoperative.

13 (h) An inspection agency, an owner, or a user that violates this
 14 section is subject to a disciplinary action under IC 22-12-7.

15 SECTION 17. IC 25-4-1-33 IS ADDED TO THE INDIANA CODE
 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2014]: **Sec. 33. The board shall send written notice to the division
 18 of fire and building safety established by IC 10-19-7-1 of the
 19 determination of the board in a disciplinary action against an
 20 architect under IC 25-1-11. The board shall send the notice not
 21 later than three (3) business days after the date of the board's
 22 determination.**

23 SECTION 18. IC 25-31-1-36 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2014]: **Sec. 36. The board shall send written
 26 notice to the division of fire and building safety established by
 27 IC 10-19-7-1 of the determination of the board in a disciplinary
 28 action against an engineer under IC 25-1-11. The board shall send
 29 the notice not later than three (3) business days after the date of the
 30 board's determination.**

31 SECTION 19. IC 36-1-10-10, AS AMENDED BY P.L.1-2006,
 32 SECTION 552, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2014]: **Sec. 10. (a) A lessor proposing to build,
 34 acquire, improve, remodel, or expand a structure for lease to a political
 35 subdivision or agency shall submit plans, specifications, and estimates
 36 to the leasing agent before executing a lease. The leasing agent shall
 37 submit the plans and specifications to the division of fire and building
 38 safety or the ~~state building law compliance officer, commissioner,~~ and
 39 other agencies designated by law.**

40 (b) A lessor proposing to acquire a transportation project or system
 41 may enter into a lease without submitting plans, designs, or
 42 specifications to any political subdivision or agency. However, before



the execution of the lease, the lessor must submit to the lessee or lessees an estimate of the cost and a description of the transportation project or system.

SECTION 20. IC 36-1-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22. Regulation of Builders or Remodelers

Sec. 1. As used in this chapter, "builder" means a person engaged in constructing new homes.

Sec. 2. As used in this chapter, "person" means an individual, firm, limited liability company, corporation, association, or other legal entity.

Sec. 3. As used in this chapter, "remodeler" means a person engaged in altering, repairing, restoring, maintaining, or modifying an existing residential dwelling.

Sec. 4. As used in this chapter, "residential dwelling" means a building or part of a building occupied by or intended for the occupancy of one (1) or more individuals. The term does not include a residential dwelling that is owned by the political subdivision.

Sec. 5. After February 28, 2013, a political subdivision may not adopt an ordinance, rule, policy, or other requirement providing that a builder or remodeler must be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler:

- (1) constructing a new residential dwelling; or
- (2) remodeling an existing residential dwelling.

Sec. 6. This chapter does not do any of the following:

- (1) Void an ordinance, rule, policy, or other requirement of a political subdivision adopted before March 1, 2013.

- (2) Prohibit a political subdivision from doing any of the following:

- (A) Requiring a person who engages in a specific building or construction trade, including an electrician, a plumber, a tile layer, a landscaper, or a practitioner of another specific trade, to be licensed, permitted, registered, or listed by the political subdivision before engaging in the specific building or construction trade.

- (B) Issuing building permits, septic system permits, certificates of appropriateness, zoning approvals, plat approvals, and other permits and approvals that regulate the use, planning, and development of property.



1 SECTION 21. P.L.149-2013, SECTION 3, IS REPEALED
 2 [EFFECTIVE UPON PASSAGE]. SECTION 3: (a) As used in this
 3 SECTION, "builder" means a person engaged in constructing new
 4 homes:

5 (b) As used in this SECTION, "person" means an individual; firm;
 6 limited liability company; corporation; association; or other legal entity:

7 (c) As used in this SECTION, "remodeler" means a person engaged
 8 in altering, repairing, restoring, maintaining; or modifying an existing
 9 residential dwelling:

10 (d) As used in this SECTION, "residential dwelling" means a
 11 building or part of a building occupied by or intended for the
 12 occupancy of one (1) or more individuals. The term does not include
 13 a residential dwelling that is owned by the political subdivision:

14 (e) After February 28, 2013, a political subdivision may not adopt
 15 an ordinance, rule, policy, or other requirement providing that a builder
 16 or remodeler must be licensed, certified, permitted, registered, or listed
 17 by the political subdivision as a condition to the builder or remodeler:

18 (1) constructing a new residential dwelling; or

19 (2) remodeling an existing residential dwelling:

20 (f) This SECTION does not do any of the following:

21 (1) Void an ordinance, rule, policy, or other requirement of a
 22 political subdivision adopted before March 1, 2013:

23 (2) Prohibit a political subdivision from doing any of the
 24 following:

25 (A) Requiring a person who engages in a specific building or
 26 construction trade, including an electrician, a plumber, a tile
 27 layer, a landscaper, or a practitioner of another specific trade,
 28 to be licensed, permitted, registered, or listed by the political
 29 subdivision before engaging in the specific building or
 30 construction trade:

31 (B) Issuing building permits, septic system permits,
 32 certificates of appropriateness, zoning approvals, plat
 33 approvals, and other permits and approvals that regulate the
 34 use, planning, and development of property:

35 (g) This SECTION expires July 1, 2015:

36 SECTION 22. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"(c) For purposes of subsection (a)(1), "townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and with open space on at least two (2) sides."

Page 8, line 7, after "a" insert **"registered or licensed"**.

Page 8, line 8, after "professional" insert **"under IC 25-4 or IC 25-31, as appropriate,"**.

Page 9, line 37, delete "may" and insert **"shall"**.

Page 11, line 18, after "10." insert **"(a)"**.

Page 11, after line 42, begin a new paragraph and insert:

"(b) A review under this section is limited to the corrections required by the division pursuant to notice sent under section 9(2) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the division, including previously completed corrections that the division has already accepted, are deemed approved and may not be included in subsequent notice requests sent under this section. Except for a project reviewed under IC 22-15-3-6 and subject to the deadlines set forth in this chapter, the division may delay issuing a design release until all corrections to a project have been approved by the division."

Page 12, line 2, delete "the" and insert **"an engineer licensed under IC 25-31 or architect registered under IC 25-4 knowingly or recklessly submitted"**.

Page 12, line 2, delete "contain" and insert **"containing"**.

Page 12, line 3, delete "Indiana building and fire code".

Page 12, line 3, after "violations" insert **"of the rules of the commission"**.

Page 12, line 4, after "division" insert **"and the commission"**.

Page 12, line 4, delete "substantial threat to" and insert **"wanton and willful disregard for"**.

Page 12, line 13, delete "possible disciplinary action;" and insert **"the purpose of conducting a hearing under IC 4-21.5 to determine if action under IC 4-21.5-3-8 is appropriate;"**.

Page 12, line 15, delete "contractor." and insert **"contractor on"**



whose behalf the application was submitted."

and when so amended that said bill do pass.

(Reference is to HB 1301 as introduced.)

FRYE R, Chair

Committee Vote: yeas 11, nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred House Bill No. 1301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 42, delete "office of the".

Page 4, delete lines 22 through 25, begin a new paragraph and insert:

"(c) For purposes of subsection (a)(1), "townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit:

- (1) extends from foundation to roof;**
- (2) is not more than three (3) stories in height;**
- (3) is separated from each adjoining unit by:**
 - (A) two (2) one (1) hour fire-resistance rated walls with exposure from both sides; or**
 - (B) a common two (2) hour fire-resistance rated wall; and**
- (4) has open space on at least two (2) sides."**

Page 8, line 2, delete "the office of".

Page 8, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 12. IC 22-15-3-1, AS AMENDED BY P.L.22-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The ~~state building law compliance officer employed under IC 10-19-7-4~~ **commissioner** shall issue a design release for:

- (1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and
 - (2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.
- (b) ~~The building law compliance officer may issue a design release~~



based on A plan review for which the division has the authority under this chapter or IC 22-15-3.2 to perform and issue a design release may not be performed by a city, town, or county, except if the city, town, or county performs a review as part of:

- (1) an inspection program for the purpose of ensuring compliance with the fire and life safety laws and rules; or
- (2) a voluntary plan review program of the city, town, or county.

if

- (1) the building law compliance officer has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(c) For the purposes of subsection (c)(1), competency must be established by a test approved by the commission and administered by the division of education and information.

(d) (c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission."

Page 9, delete lines 1 through 10.

Page 9, between lines 32 and 33, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "design professional" means:

- (1) an architect registered under IC 25-4-1; or**
- (2) a professional engineer registered under IC 25-31."**

Page 9, line 33, delete "3." and insert "4."

Page 9, delete lines 35 through 37.

Page 10, line 11, delete "professional of record" and insert **"design professional"**.

Page 10, delete lines 13 through 18.

Page 11, line 3, after "approved" insert **"for a design release"**.

Page 11, line 29, after "approved" insert **"for a design release"**.

Page 12, line 11, after "approved" insert **"for a design release"**.

Page 12, line 15, delete "approved" and insert **"accepted"**.

Page 12, line 18, delete "an engineer licensed under IC 25-31 or architect" and insert **"a design professional"**.

Page 12, line 19, delete "registered under IC 25-4".

Page 12, line 29, delete "professional of record's" and insert **"design professional's"**.

Page 12, line 33, delete "professional of record" and insert **"design professional"**.

Page 12, line 38, delete "professional of" and insert **"design professional."**

Page 12, line 39, delete "record."



Page 13, line 3, delete "professional of record" and insert "**design professional**".

Page 13, delete lines 7 through 10, begin a new line block indented and insert:

"(6) If the application was selected for a review:

(A) whether the division requested corrections to the plans and specifications;

(B) the dates that corrections were requested by the division; and

(C) the dates that the applicant responded to the requests under clause (B).

(7) Whether a design release was issued by the division. The date a design release was issued (if any) or other final action was taken."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1301 as printed January 21, 2014.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 1.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1301 be amended to read as follows:

Page 8, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 12. IC 22-15-3-1, AS AMENDED BY P.L.22-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The **state building law compliance officer** ~~employed under IC 10-19-7-4~~ **commissioner** shall issue a design release for:

(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) The **state building law compliance officer commissioner** may issue a design release based on a plan review performed by a city, town, or county if:

(1) the **state building law compliance officer commissioner** has

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certified that the city, town, or county is competent; and

(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

~~(c)~~ For the purposes of subsection ~~(c)(1)~~, competency must be established by a test approved by the commission and administered by the division of education and information.

~~(d)~~ **(c)** A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b)."

Page 9, delete lines 1 through 22.

Page 13, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 13. The division may contract with a person or an entity to perform the division's plan review responsibilities under this chapter.

SECTION 15. IC 22-15-3.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.3. Local Plan Review by Units

Sec. 1. As used in this chapter, "applicant" means a person who submits an application for a local plan review.

Sec. 2. As used in this chapter, "application" means an application for a local plan review and any supporting plans and specifications.

Sec. 3. As used in this chapter, "construction activity" refers to any physical improvements to real property undertaken for the purpose of constructing a Class 1 structure that is subject to a local plan review.

Sec. 4. As used in this chapter, "unit" means a county, city, or town.

Sec. 5. Nothing in this chapter may be interpreted as allowing a local plan review to supersede or otherwise impact any laws or rules concerning a plan review conducted by the state of Indiana.

Sec. 6. Any notice required under this chapter may be provided:

(1) by mail; or

(2) by electronic mail, if the applicant provides an electronic mail address.

Sec. 7. (a) Upon receiving a complete application for a local plan review, the unit shall do one (1) of the following not later than twenty (20) business days after the application is received:

(1) Send written notice to the applicant that the unit does not



require any corrections to the application and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that corrections are required to the application.

(b) If the unit receives corrections to an application in response to a notice sent under subsection (a)(2), the unit shall do one (1) of the following not later than ten (10) business days after the corrections are received:

(1) Send written notice to the applicant that all requested corrections have been successfully addressed and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that the unit has not accepted one (1) or more of the corrections included in the notice provided under subsection (a)(2) and that corrections are required to the application.

(c) If the unit receives corrections in response to a notice sent under subsection (b)(2), and any time the unit receives corrections in response to a notice under subdivision (2) thereafter, the unit shall do one (1) of the following not later than ten (10) business days after the corrections are received:

(1) Send written notice to the applicant that all requested corrections have been successfully addressed and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that one (1) or more of the corrections included in the notice sent under subsection (b)(2) have not been accepted and that further corrections are required to the application.

Sec. 8. A unit may not prohibit construction activity if the unit fails to provide any notice required under this chapter.

Sec. 9. A local plan review under section 7(c)(2) of this chapter is limited to the corrections required by the unit pursuant to notice sent under section 7(a)(2) of this chapter or any subsequent notices sent under section 7(b)(2) or 7(c)(2) of this chapter. All other parts



of a project not directly related to corrections included in a notice sent under these sections, including previously completed corrections that the unit has already accepted, are deemed accepted and may not be included in subsequent notice requests sent under this section."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1301 as printed February 26, 2014.)

YODER

